

United States District Court



District of Maine

District Court Local Rules Effective July 1, 2016

This notice provides important information about changes and amendments to the Local Rules for the United States District Court for the District of Maine that are to become effective July 1, 2016.

Local Rule 7.1 – Corporate Disclosure

This Rule has not been amended; however, the Court alerts the bar and unrepresented parties that Local Rule 7.1 is more expansive than Rule 7.1 of the Federal Rules of Civil Procedure. While the Federal Rule only requires disclosure of any parent corporation and any other publicly held corporation owning 10% or more of its stock, District Court Local Rule 7.1 requires that the disclosure include “. . . *all persons, associations of persons, firms, partnerships, limited liability companies, joint ventures, corporations (including parent or affiliated corporations, clearly identified as such), or any similar entities*, owning 10% or more of the named party.” (emphasis added).

Local Rule 24 – Notice of Constitutional Question

Local Rule 24 has been renumbered as Local Rule 5.1 to correspond to Federal Rule of Civil Procedure 5.1.

Local Rule 16.1 – Case Management Track Procedures

Subsection (b)(2) has been amended to conform to the Court’s Standard Track Scheduling Order and provide that in standard track cases, discovery will ordinarily be completed within 5 months and the case scheduled for trial within 7 months after issuance of the scheduling order.

Local Rule 16.2 – Scheduling Order

This Rule now provides that scheduling orders in IDEA cases will issue after an initial conference with counsel and a judicial officer.

Subsection (e) has been amended to strike the requirement that in requesting a scheduling conference, a lawyer professionally represents to the Court that he or she has used his or her best efforts to reduce the cost and delay and has advised the client of such.

Local Rule 16.3 – Management Tracks

Section (f) has been amended to provide that an initial scheduling conference in IDEA track cases will be held before a judicial officer when the pleadings are complete. If the conference is to be held by telephone, the Clerk will inform the lawyers or unrepresented parties of the time and date of the conference, and it shall be the responsibility of the

plaintiff to initiate the telephone conference call to chambers. The agenda for the initial conference will include the following topics: identification of the essential factual and legal issues of the case; organization of the administrative record; mode and sequence for the presentation of additional evidence, if any; and briefing schedule. Counsel shall not refer to the name of a child with a disability by name, but instead refer to the child with a disability by initials only.

Local Rule 56 – Motions for Summary Judgment

Subsection (h)(1)(D) has been added to provide deadlines and time limits for filing *Daubert* /*Kumho* motions as well as oppositions and replies thereto. If counsel propose to exceed the filing deadline or page limits as set forth in Local Rule 7, the parties must include a brief statement explaining why good cause exists for allowing extra time or pages.

Subsection (h)(3)(F) has been added to provide that counsel must be prepared to discuss with the judicial officer at the pre-filing conference whether either party intends to file any *Daubert* /*Kumho* motions, and, if so, the issues to be addressed in the motions, the length of any memoranda to be filed pursuant to Local Rule 7, and the time within which the motions shall be filed.

Local Rule 159 – Sentencing Exhibits and Documents

This is a new rule governing submission of sentencing exhibits and documents. It was adopted on recommendation of the District Court Local Rules Advisory Committee and the District Court Criminal Law Committee. The Rule addresses how cooperation-based motions, documents in support of those motions, and sentencing exhibits should be filed.

Local Rule 159 is an interim rule pending future changes to the ways federal courts handle information regarding cooperation. The Judicial Conference of the United States Committee on Case Administration and Case Management, in consultation with the Criminal Law Committee and Defender Services Committee, will soon issue guidance to courts outlining specific standards for handling documents containing information involving cooperation. That guidance is being prepared after an extensive [study](#) by the Federal Judicial Center dated June 2015, authored by Margaret S. Williams, Donna Stienstra and Marvin Astrada, demonstrated that cooperating defendants and witnesses face substantial harm resulting from information about cooperators that can be gleaned from available court documents. The District Court Criminal Law Committee will review the guidance and make recommendations to the Court concerning its handling of documents that contain cooperation information.

The full set of Local Rules effective July 1, 2016 is available [here](#).